

REMARKS

Status Of Application

Claims 1 and 3-13 were pending in the application. By this Amendment, claims 4-6 are canceled. The status of the claims is as follows:

Claims 1, 3, and 7-11 are rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,601,352 to Okamura (“Okamura”). While the Final Office Action did not explicitly state the basis for rejecting claim 12, it appears that claim 12 was to be rejected over Okamura. For this reason, claim 12 will be included as part the 35 U.S.C. § 102(b) rejection over Okamura. This rejection was upheld by the Board of Patent Appeals and Interferences (BPAI) in the Decision on Appeal dated July 22, 2005.

Claims 4-6 are rejected under 35 U.S.C. § 103(a) over Okamura in view of U.S. Patent No. 6,185,045 B1 to Hanano (“Hanano”). This rejection was partially upheld by the BPAI in the Decision on Appeal dated July 22, 2005. The Board did not uphold the rejection of claim 6, and thus only claims 4 and 5 remain rejected. The rejection of claims 4 and 5 is rendered moot by the cancellation of claims 4 and 5.

Claim 13 is rejected under 35 U.S.C. § 103(a) over Okamura in view of Hanano, further in view of U.S. Patent No. 6,150,998 to Travers, et al. (“Travers”) and U.S. Patent No. 5,537,092 to Suzuki, et al. (“Suzuki”). This rejection was not upheld by the BPAI in the Decision on Appeal dated July 22, 2005. As the rejection of claim 13 was not upheld by the BPAI in its Decision on Appeal, it is respectfully requested that the rejection of claim 13 be reconsidered and withdrawn.

Claim Amendments

Claim 1 has been amended to include the limitations of claims 4-6 as the rejection of claim 6 was not upheld by the BPAI. Claim 11 has similarly been amended to include the limitations of claims 4-6. Thus, these changes do not introduce any new matter.

35 U.S.C. § 102(b) Rejections

The rejection of claims 1, 3, and 7-12 under 35 U.S.C. § 102(b), as being clearly anticipated by Okamura, is respectfully traversed based on the following.

Claim 1 has been amended to include the limitations of claims 4-6 as the Decision on Appeal did not uphold the rejection of claim 6. For this reason, claim 1 is considered unanticipated and nonobvious over the art of record. Claims 3 and 7-10 depend from unanticipated and nonobvious claim 1 and are considered patentable for at least the same reasons.

Claim 11 has been amended to include the limitations of claims 4-6 as the Decision on Appeal did not uphold the rejection of claim 6. For this reason, claim 11 is considered unanticipated and nonobvious over the art of record. Claim 12 depends from unanticipated and nonobvious claim 11 and is considered patentable for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 1, 3, and 7-12 under 35 U.S.C. § 102(b) as being clearly anticipated by Okamura, be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are respectfully requested.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims beyond the number of claims originally paid for. Accordingly, no fee based on the number or type of claims is currently due. If an extension of time is required to enable this

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document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such a Petition for Extension of Time or any other fee required by this response, including any fee pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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